



## Legislation Text

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**File #:** 1200-2023, **Version:** 1

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### **Council Variance Application: CV23-007**

**APPLICANT:** Julie Bullock; 4886 Olentangy Blvd.; Columbus, OH 43214.

**PROPOSED USE:** Habitable space above a detached garage.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single-unit dwelling with a one car garage in the R-2F, Residential District. The requested Council variance will permit a new detached two-car garage with habitable space on the second floor including an office, bedroom, and bathroom. A Council variance is required because habitable space above a garage is only permitted when the space is connected directly to habitable space in a dwelling. Variances to the garage height and to reduce the minimum side yard for the existing dwelling are also included with this request. The request is supportable as the proposal fits within the larger development pattern of the neighborhood and does not introduce an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.38(G), Private garage; and 3332.26 (C), Minimum side yard permitted, of the Columbus City Codes; for the property located at **146 MITHOFF ST. (43206)**, to permit habitable space on the second floor of a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV23-007).

**WHEREAS**, by application #CV23-007, the owner of property at **146 MITHOFF ST. (43206)**, is requesting a Council variance to permit habitable space on the second floor of a detached garage with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.38(H), Private garage, requires habitable space above a garage to connect directly with habitable space in the dwelling, while the applicant proposes habitable space above a detached garage; and

**WHEREAS**, Section 3332.38(G), Private garage, allows a maximum height of 15 feet for a detached garage, while the applicant proposes a garage that is 27± feet tall; and

**WHEREAS**, Section 3332.26(C), Minimum side yard permitted, requires a minimum side yard of three feet for the existing dwelling on a lot less than 40 feet wide, while the applicant proposes to maintain the existing side yard on the west side of the existing dwelling of 2.12 feet; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request does not introduce a new or incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **146 MITHOFF ST. (43206)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance from the provisions of Sections 3332.38(H), Private garage; 3332.38(G), Private garage; and 3332.26(C), Minimum side yard permitted, of the Columbus City Codes; is hereby granted for the property located at **146 MITHOFF ST. (43206)**, insofar as said sections prohibit a detached garage with habitable space on the second floor that does not connect directly with habitable space in the single-unit dwelling in the R-2F, Residential District; with a maximum garage height of 27 feet; and a minimum western side yard for the existing dwelling of 2.12 feet; said property being more particularly described as follows:

**146 MITHOFF ST. (43206)**, being 0.11± acres located on the north side of Mithoff Street, 190± feet east of South 4<sup>th</sup> Street, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio: Being Lot number 58 of the Mithoff Addition, Columbus Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in plat Book 3, Page 371 Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling with habitable space on the second floor of a detached garage, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and elevations titled, "**PROPOSED SITE PLAN**," dated March 29, 2023, and signed by Juliet Bullock, Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 3.** That this ordinance is further conditioned that the second floor of the garage will not be converted to, or used as, a separate dwelling unit. The second floor of the garage will have no cooking facilities.

**SECTION 4.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.